

REMARKS

Remarks regarding amendment of claims

Claim 40 has been amended to make it clear that it is the encryption key signal that does not penetrate the conference room walls. No claims have been added or cancelled in this Reply.

Claims 21-40 are pending in the instant application.

Objection of the Specification

The specification was objected to as allegedly failing to provide proper antecedent basis for the limitation "wherein the encryption key signal does not penetrate walls of the room." The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., *Vas-Cath, Inc.*, 935 F.2d at 1563-64, 19 USPQ2d at 1117. M.P.E.P. §2163(I)(B). Assignee contends this objection is improper because the specification clearly identifies at least two embodiments and types of signals that one skilled in the art would easily recognize have properties that do not allow them to penetrate walls of a room. Both acoustic signals and infrared signals do not penetrate walls whereas radio frequency signals clearly penetrate walls of a room. Specifically, the specification states "acoustic signals ... do not readily penetrate walls such as wall 104." Specification as published at ¶ 17. Further discussion of signals that do not penetrate walls of the room can be found throughout the specification. See ¶¶ 11, 20 and 31 of the specification as published.

Thus, the specification clearly provides antecedent basis for an encryption key signal which does not penetrate walls of the room. Assignee respectfully requests the Examiner withdraw this objection.

Rejections under 35 U.S.C. 112

Claims 21-40 were rejected under 35 U.S.C. 112 because the specification allegedly fails to meet the written description requirement with respect to the limitation "wherein the encryption key signal does not penetrate walls of the room." As stated above, one of ordinary skill in the art would clearly understand that certain types of signals pass through walls and other types of signals are reflected by walls. Additionally, the Examiner has cited to Amitay at Col. 2 Ins. 42-

61 and this disclosure further supports Assignee's contention that one of ordinary skill in the art would understand that different types of signals have different types of properties pertaining to their ability to penetrate walls. Thus, the enablement requirements of 35 U.S.C. §112 are met at least at ¶¶ 11, 20 and 31 of the specification and common knowledge of one skilled in the art.

Rejections under 35 U.S.C. 103(a)

Independent claims 21, 22, 24-25, 30-37 and 40 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Schneier, in view of Parry (US 2002/0164997 A1) and further in view of Amitay (US 5,684,801).

The Examiner admits:

Schneier fails to disclose the transmission is wireless and that the devices are contained by walls of a room and that the encoded encryption key is not detectable outside of the walls of the room and the subsequent transmissions are capable of penetrating the walls of the room.

Office Action dated March 14, 2008 at p. 4.

The Examiner then asserts that Parry discloses this limitation.

However, Parry teaches a wireless transmission system in which access is only allowed to those confined by the walls of the room and the subsequent transmissions are capable of penetrating the walls of the room (see paragraphs 7, 8, 32, and 55).

Office Action dated March 14, 2008 at p. 4.

Parry is directed to a system wherein one or more computing devices (reference numeral 12 throughout Parry) are used to define a zone and then selectively permit wireless communication access between devices 12 and additional computing devices (reference numeral 14) depending on the location of devices 14 with reference to the zone. In other words, devices 14 can talk to devices 12 only if devices 14 are within the defined zone. *See, for example, Parry abstract.*

While Parry is directed to controlling communication between devices depending on the location of the devices relative to a defined zone, Parry accomplishes this in a much different way than the presently claimed invention. The devices of Parry include a distance/location

module 26, which can optionally be assisted by a global positioning satellite system 20. *See* Parry, paragraph [0024]. Parry describes two methods of establishing the “zones,” which determine whether devices 12 and 14 will be allowed to communicate with each other. According to one method, each device 12 having a distance/location module 26 communicates wirelessly to identify distance/location between devices 12, thereby constructing an electronic map of the position of the devices 12. *See* Parry, paragraph [0034]. The mapped positions correspond to the landmarks that establish the boundaries of the zone. *Id.* The second method described by Parry uses a global satellite positioning system to determine the absolute position of each of the devices 12 or uses an administrator to measure the boundaries of the desired pattern and enter that data into the devices 12. *See* Parry, paragraph [0035]. While Parry does mention that the boundaries can of the zone can correspond to a physical boundary such as a walled room or building (paragraph [0032], cited in Office Action), there is no requirement that they do so. More importantly, there is no teaching in Parry that the any signals transmitted by the devices of Parry are incapable of penetrating the walls.

In summary, Parry is directed to use of zones to determine a relative location of two or more devices and Parry is silent to the limitation recited in each independent claim of signals that are incapable of penetrating conference room walls as claimed.

The Examiner admits that the “modified Schneier and Parry systems fails to disclose that the encryption key signals are confined within the room and do not penetrate the walls of the room.” Office Action dated March 14, 2008 at p. 5.

The Examiner then asserts “Amitay teaches the use of signals that do not penetrate the walls of a room.” Office Action dated March 14, 2008 at p. 5.

Essentially, Amitay is directed to “permit LAN resource utilization that is independent of traffic load and that is implemented in a near collision-free environment.” Amitay at Abstract.

Amitay merely discloses that certain types of signals (i.e. IR) do not penetrate walls and that other types of signals (i.e. RF) do penetrate walls.

When transceiver 120 of repeater 101 is IR-based, repeater 101 could be a ceiling mounted base unit that provides simultaneous uplink/downlink communications with f_1 and f_2 modulated subcarriers arranged to prevent

signal interference between transmission and reception of IR signals. Because low-power infrared signals from IR-based repeater 101 are unable to penetrate walls, the range of IR wireless communications is limited to tens of feet. As a 50 result, additional security benefits are provided by the IR-based repeater 101 because eavesdropping is impossible for other portable devices located outside the range of signals broadcast by IR-repeater 101. Advantageously, the wide availability and low cost of optoelectronic components

55 (LEDs and photodiodes) used in IR transceivers allow an IR-based system to be cheaper than an equivalent Radio Frequency (RF) repeater. Because of the cost difference between IR-based and RF-based repeater 101 is preferably IR-based even though we recognize that an RF-based 60 repeater is more suitable for applications where greater range is desirable or imperative.

Amitay at Col 2 Ins. 42-62.

Amitay further discloses that IR signals may be cheaper to implement but that RF signals have a further range. In other words, Amitay discloses that the desirable nature of IR is that they are inexpensive but that RF signals might be better if they did not cost so much. Furthermore, Amitay is silent as to the desire to use one type of signal versus another type of signal for security and exchanging of encryption keys.

Each of the independent claims requires that the encryption code be transmitted by a different type of transmission than the transmission used to transmit the conference data. Specifically, the encryption code transmission is required to not penetrate walls of the room, whereas the conference data transmission signal does penetrate the walls of the room. Each of the cited references either alone or in combination do not disclose the two types of transmissions required by the claims, i.e., the transmission of an encryption code that cannot penetrate the walls and the transmission of conference data that can penetrate the walls.

As described above, Parry does not use an encryption code at all but instead allows a remote device to access a base station only if the remote device is in a specified zone. Even if the specified zone of Parry corresponds to a room, as alleged in the Office Action, there is still no teaching in Parry of signals that cannot penetrate the walls of the room and the teaching of Amity pertaining to signals that do not penetrate walls teaches that this may be undesirable. In fact, Parry suggests that all of the transmissions can penetrate outside of the specified zone because the first computing device determines the position of the second computing device and determines whether or not the second device is within the specified zone. For example, see paragraph [0037] of Parry. In all cases, the signals of the two devices are capable of reaching each other, whether or not the second device is in the specified zone. If the second device is

outside the zone, it is simply denied access to the first device. Even if access is denied, all of the signals sent between the first and second devices are capable of reaching their intended target. The technique of Parry is based on allowing or denying access based on the relative or absolute position of the requesting device, not on whether the requesting device has received the encryption code. If the second device of Parry is outside the zone, it is not denied access to the first device because it was incapable of receiving an encryption key, as in the instant claims. Rather the second device of Parry is denied access because the first device has determined that the second device is outside the zone and thus denies the second device access. As such, the combination of Schneier and Parry does not teach transmitting an encryption code such that the transmission cannot penetrate the walls of a room but transmitting data by a transmission that can penetrate the walls.

In rejecting claims 22 and 32-35, the Office Action alleges that the combination of Schneier, Parry and Amitay teaches acoustic signals. However, nothing in the combined references suggests using acoustic signals to transmit one type of data such as an encryption code and in the same embodiment using another type of signal such as RF to transmit another type of data such as conference data. Thus, according to the combined references, if the encryption code were transmitted using an acoustic signal, then the conference data would also be transmitted using an acoustic signal (incapable of penetrating walls) and the limitations of the instant independent claims would not be met.

As shown herein, the combination of Schneier, Parry and Amitay fail to teach every limitation of the independent claims. The additional secondary references do not teach the missing limitation. Claims not specifically addressed in this response are patentable in view of their dependency from claims that are allowable.

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Based on the above, Assignee respectfully submits that the claims are patentable over the cited art and requests that a Notice of Allowance issue for these claims.

Respectfully submitted,

/William M. Hubbard, J.D./
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